

# **(DRAFT) MINUTES (DRAFT)**

Citizen Review Board Meeting  
Old City Hall, 510 Greene Street  
**Monday, August 23, 2010**  
**6:00 p.m.**

1. MEETING CALLED TO ORDER AT 6:00 P.M.

2. ROLL CALL

## BOARD MEMBERSHIP /AGENTS PRESENT:

Dr. Bryan Green  
Virginia Altobello  
Dr. Kevin Collins, Vice Chair  
Hayward Magby  
Larry Beaver  
Rev. S. Forbes  
Robert Cintron, Attorney for the Board  
Stephen Muffler, Executive Director of the Board

## ADDITIONAL ATTENDEES:

Chief Lee  
Lt. David Smith  
Dwayne Norris  
Pamela Beaver  
(others in attendance but did not sign in)

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES:

- a. Approval of the CRB Minutes for the meeting of July 26, 2010

Dr. Bryan Green moved to approve the minutes of July 26, 2010 as modified by Virginia Altobello's suggested corrections of typos and seconded by Hayward Magby.

**Passes by Unanimous Consent**

5. TRACKING CHART REVIEW:

Files were reviewed and brought current.

6. CONTINUED OR NEW BUSINESS:

- a. File Review: **CRB 10-004 Norris** (Vice Chair Dr. Kevin Collins moved this file review b/f CRB #10-003 due to attendees in the audience to speak on this file)

Mr. Wayne Norris was placed under oath and Mr. Norris proceeded to explain what he thought were events of the day in question. He explained that the officers acted inappropriately and felt that he was detained because he was African American and with Dreadlocks. Mr. Norris felt that those were the only two similarities between the wanted person and himself. Mr. Norris felt that he should not have been put in handcuffs because there were three officers present and that he did give them his ID which showed he was not the wanted person. Mr. Norris did receive the Chief's apology letter via the CRB mailer and thanked Chief Lee. Mr. Norris felt that the detention could have escalated and he could have been hurt for no reason if Mr. Norris would have acted differently.

Dr. Green felt that the CAD report showed about a 10 minute interaction. Mr. Norris felt that the interaction lasted longer than that period of time. Mr. Norris stated he did not receive an apology at the scene by the involved officers. He stated that only one officer was kind enough to give him a business card at the scene. Mr. Magby asked Mr. Norris if he agreed there were similarities between the wanted person and Mr. Norris. Mr. Magby asked if Mr. Norris had any encounters with the relevant police officers in the past. Mr. Norris stated that Officer Woods knew him from at least one other police encounter prior to this incident.

Virginia Altobello asked Mr. Norris about the statement in the report about using curse words and Mr. Norris admitted he did use some of those words. Rev. Forbes asked Mr. Norris if he understands that the initial physical similarities probably caused the officers to initially react the way they did. Mr. Norris responded that it was inappropriate the way the police approached him and detained him.

Robert Cintron asked Mr. Norris why his girlfriend who had seen the incident was not present tonight. Mr. Norris stated that his girlfriend is related to JR Torres who is a member of the KWPD and she was not going to get directly involved in this matter. Robert Cintron pointed out there was no investigation done by the KWPD. Dr. Bryan Green and Larry Beaver felt that there really was not much in dispute and sending the matter back to IA for an investigation would do no good. Mr. Hayward Magby commended Chief Lee for writing the letter of apology but felt that not all the information is before the Board. Mr. Magby felt that they needed more information from Officer Wood who made the initial phone call that started the entire incident.

**Hayward Magby moved to send the file back to KWPD for an investigation. No Second.**

**Motion by Dr. Bryan Green that all four officers be EXONERATED and Seconded by Virginia Altobello.**

Chief Lee addressed Mr. Norris directly and expressed his apology for the situation but felt that the officers did follow procedures and what they did was based on officer safety. Mr. Norris felt that the officers' conduct reflects racist profiling.

**VOTES:**

**YES: Larry Beaver, Virginia Altobello, Dr. Kevin Collins and Dr. Bryan Green.**

**NO: Hayward Magby**

**Rev. S. Forbes ineligible to vote**

**b. CRB 10-003 Wilson**

Dr. Bryan Green stated that it was his recollection that the Board could hear the complaint even if the complainant wanted to withdrawal his complaint. Robert Cintron confirmed this, so long as the Board agreed to do so by Motion. However, Robert Cintron did explain that general questions are allowed from Board Members without a motion. Dr. Bryan Green asked questions to Lt. David Smith relative to the processing of this file and how the KWPD secured the voluntary withdrawal of it by the Mr. Wilson. Dr. Green was concerned that the prior traffic tickets, issued before the subject encounter, were dismissed because the officer did not show up to the court.

Board by, general consensus, decided not to take no action on the file.

**c. The Board addressed the following Rule Amendments:**

**Motion to approve the first round of amendments to the CRB Policies & Procedures by Dr. Bryan Green and Seconded by Larry Beaver and passed by Unanimous Consent.**

Virginia Altobello proposed a policy on tardiness into absenteeism into the policy. Robert Cintron advised that a 15 minute late policy could be incorporated under the absenteeism policy without any substantive change to that policy. **Passes by Unanimous Consent.**

Dr. Green wanted to express his concerns that the CRB Tracking Chart should not disclose KWPD internally generated files, but the Executive Director should still collect and distribute these KWPD internally ‘closed’ files and kept at CRB office. Robert Cintron stated that this is the current policy and that any member can place the item on the next CRB agenda should they wish to discuss or address one of these internally generated files. The Board members felt no rule change should be made on this issue.

The Board discussed the current taser usage and policy with Chief Lee. Dr Green suggested that statistics on “display” versus “discharge” should be collected by the CRB and published. He was concerned that taser usage should not become “casual” in nature by the KWPD and collecting and tracking this data would reveal such an increase in use (if any). Members debated if comparison with other cities’ statistics should be done and the Board generally decided that since Key West is so unusual (as a tourist and cruise ship destination) such a comparison would be difficult. Board members felt that statistic collection, as proposed by Dr. Bryan Green, was appropriate.

**Motion by Dr. Bryan Green and Seconded by Larry Beaver that the Executive Director collect taser usage statistics to track “displays” versus “usage” from KWPD and forward it to the CRB in a presentable format. Passed by Unanimous Consent.**

The Board addressed the pros/cons of placing the CRB on TV. Larry Beaver and Dr. Bryan Green were concerned that being on TV will “chill” complainants. Rev. Forbes suggested that camera could be “fixed” on the Board and that way the complainants and witnesses would not be on TV. The Board was divided on the issue.

**Motion by Dr. Bryan Green and Seconded by Larry Beaver to NOT televise the CRB meetings.**

**VOTES:**

**YES: Larry Beaver, Virginia Altobello, Dr. Kevin Collins and Dr. Bryan Green.**

**NO: Hayward Magby & Rev. S. Forbes**

**PASSES**

**7. COUNSEL’S REPORT**

Robert Cintron reported that in his legal opinion that Dr. Kevin Collins can serve on the Board even since he is an independent contractor for the City of Key West and the City Charter specifically states that no one can serve on the Board who is an “employee” which is a different legal term than an independent contractor. Robert Cintron reported to the Board he is working with the City Legal department to reinstate the “staggered” terms of members which have been thrown off over the years.

**8. CHAIRPERSON’S REPORT**

NONE

**9. BOARD MEMBERS REPORT/GENERAL COMMENTS**

Dr. Bryan Green thanked Chief Lee on his efforts to address recent public concerns about crimes against residents and commended him for setting up a public town hall meeting this week on the topic.

**10. EXECUTIVE DIRECTOR’S REPORT**

- a. Executive Director updated the Board on NACOLE 2010 Conference.
- b. Executive Director updated the Board on CRB budget FY 10-11
- c. Executive Director updated the Board on CRB & FKCC Constitution Day Events
- d. Executive Director updated the Board on CRB Executive Director Contract Renewal Discussions and that the contract would be renewed under certain conditions.

**11. PSO/IA COMMENTS/FOLLOW-UP**

Chief Lee explained to the Board why police officers normally do not attend the CRB meetings because the union attorneys tell them not to show up. Chief Lee explained that he did not necessarily agree with such advice, but wanted to explain that to the Board. Chief Lee informed the Board that Inspector Randy Smith was transferred from IA to special operations and that Lt. David Smith would take over the IA operations.

## 12. PUBLIC INPUT

Pamela Beaver felt that it is interesting to see the evaluations and wish more people would show up to the CRB meetings

## 13. MEDIA AND PRESS QUESTIONS

NONE

## 14. ADJOURNMENT

Adjourned 8:25 p.m.

Respectfully Submitted

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Stephen C. Muffler, Esquire  
Executive Director